

## Message Text

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11

ACTION PPTE-00

INFO OCT-01 SCA-01 ISO-00 /002 W  
----- 061268

R 141019Z APR 76  
FM AMEMBASSY WARSAW  
TO SECSTATE WASHDC 0800

UNCLAS WARSAW 2324

E.O. 11652: N/A

TAGS: CPAS, PL: (MILASHUS, KATARZYNA ELZBIETA)

SUBJECT: PASSPORT APPLICATION OF KATARZYNA ELZBIETA MILASHUS

REF: STATE 039463, WARSAW 0940, AND PREVIOUS

1. THE EMBASSY HAS RECEIVED A CERTIFIED COPY OF FINAL DECREE OF DIVORCE IN CASE OF PEGGY JANE MILASHUS VS. MICHAEL ANTHONY MILASHUS, ISSUED BY CIRCUIT COURT OF FENTRESS COUNTY, TENNESSEE, DATED AUGUST 20, 1975. PLEASE NOTE THAT, AS STATED IN WARSAW 0940, JADWIGA MILASHUS NEE DUDEK, MOTHER OF KATARZYNA ELZBIETA MILASHUS/APPLICANT), CLAIMED THAT HUSBAND RECEIVED DIVORCE FROM FIRST WIFE IN MEXICO ON AUGUST 2, 1974. MILASHUS MARRIED THE MOTHER OF APPLICANT ON SEPTEMBER 24, 1974, IN POLAND.

2. UNDER POLISH LAW, FOREIGNERS MUST SUBMIT PROOF OF LEGAL CAPACITY TO MARRY BEFORE PERMISSION TO MARRY IS GRANTED. AS U.S. CONSULAR OFFICERS ARE PROHIBITED FROM ISSUING CERTIFICATION OF CAPACITY TO MARRY, AMCITS MUST OBTAIN DECREE FROM POLISH COURT DECLARING THEM LEGALLY SINGLE. SUCH DECREES ARE NOT ISSUED IF PREVIOUS MARRIAGE NOT TERMINATED. THEREFORE, IF THERE WAS NO MEXICAN DIVORCE, IT IS PROBABLE THAT MILASHUS DID NOT REVEAL EXISTENCE OF PREVIOUS MARRIAGE TO POLISH COURT. THIS IS GROUNDS IN POLAND FOR ANNULMENT OF MARRIAGE.

3. IN VIEW OF THE QUESTIONABLE DATE OF HER FATHER'S DIVORCE, THE APPLICANT CANNOT BE ISSUED A PASSPORT AT THIS TIME, FURTHERMORE, AS JADWIGA MILASHUS NEE DUDEK AND HER DAUGHTER BY HER FIRST MARRIAGE, AGNIESZKA JONAS,  
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ARE NOW IN THE U.S. AS IMMIGRANTS UPON THE PETITION OF

MILASHUS AS JADWIGA'S SPOUSE, THE QUESTION OF INS ACTION ALSO ARISES. THE EMBASSY REQUESTS THAT THE DEPARTMENT CALL MILASHUS AND REQUEST A COPY OF THE MEXICAN DIVORCE DECREE. IF HE CANNOT PRODUCE THE DECREE, THE EMBASSY WULL INFORM INS OF THE SITUATION.

4. IF, IN FACT, A DIVORCE WAS NOT FINAL UNTIL AUGUST 20, 1975, APPLICANT'S CITIZENSHIP CLAIM MUST BE PURSUED UNDER SECTION 309 (A) OF INA. MICHAEL ANTHONY MILASHUS AND JADWIGA MILASHUS NEE DUDEK WOULD THEN HAVE TO TAKE STEPS TO HAVE APPLICANT LEGITIMATED. THE EMBASSY WOULD ALSO REQUEST THAT MICHAEL ANTHONY MILASHUS SUBMIT AN AFFIDAVIT OF PATERNITY AND PROOF OF PHYSICAL PRESENCE IN THE U.S. ACCORDING TO 8 FAM 263.31 (B) AND 8 FAM 263.34.

5. THE EMBASSY APPRECIATES THE DEPARTMENTS AID IN THIS MATTER.  
DAVIES

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NNN

## Message Attributes

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**TAGS:** CPAS, PL, (MILASHUS, KATARZYNA ELZBIETA)  
**To:** STATE  
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